

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC,
Plaintiff,

v.

AUDIBLE MAGIC CORPORATION
Defendant.

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Case No. 6:15-cv-584

ORDER REGARDING MOTIONS

The above-referenced case was referred to the undersigned United States Magistrate Judge for pre-trial purposes in accordance with 28 U.S.C. § 636. This case is scheduled for a final pretrial conference before the undersigned on July 6, 2016 (and July 7, if needed). Jury selection is scheduled before Judge Schroeder July 18, 2016, with trial immediately following.

Before the Court are the following motions. It is the Court's opinion that the following is a complete list of the remaining pending motions:

- (1) Audible Magic Corporation's and its Customers' Motion for Partial Summary Judgment Based on License (Docket Entry # 11)(also pending as Docket Entry # 53 in Blue Spike's cases against Audible Magic's customers - Cause No. 6:15cv585);
- (2) Audible Magic Corporation's Motion to Exclude the Opinions of Blue Spike's Damages Expert, Rodney Bosco (Docket Entry #31); and
- (3) Audible Magic Corporation's Motion to Exclude Certain Opinions of Blue Spike's Validity Expert (Docket Entry #49).

In light of the Court's recent Orders Adopting the Reports and Recommendations regarding Audible Magic Corporation's Motion for Summary Judgment of Noninfringement and Motion for Voluntary Dismissal Without Prejudice of its patent infringement counterclaim, the Court orders the

parties to file a **joint notice**, within five days from the date of entry of this Order, advising whether any of the above pending motions still require resolution.

IT IS SO ORDERED.

SIGNED this 1st day of June, 2016.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE